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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,313

Applicant(s)

BALLUFF, DANIEL A.

Examiner

Steven B. Theriault

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: The original application filed on 10/30/2001.
2. Claims 1-15 are pending in the case. Claims 1, 11, 14 and 15 are the independent claims. Applicant's attention is directed to the fact that a new examiner has been assigned to this case. The Examiner's name and telephone number are provided below.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 54, 56, and 60 of Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9, 1994.**

In regard to **Independent claim 1**, Keyworth teaches a system for facilitating message notification for an electronic communication device comprising:

- First means for organizing individual messages received via said electronic communication device according to individual users of said device and providing a signal in response thereto and second means for automatically enabling said individual users to visually distinguish said individual messages based on said signal (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

With respect to **dependent claim 2**, Keyworth teaches a *system where the second means includes a display for displaying contents of said individual messages in various visually distinguishable formats corresponding to various individual users* (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches the use of an icon and colors to visually identify the users and using colors that are assigned to a specific user that signify when an incoming message or an outgoing message is within the users mailbox. Keyworth also teaches the system is able to organize e-mail, voice-mail and fax messages with the mailbox (Keyworth column 3, lines 33-55).

With respect to **dependent claim 3**, Keyworth teaches the system *where said second means includes means for converting said individual messages into text messages and scrolling said text*

messages via visually distinguishable text, said text differing for each of said various individual users (Keyworth Figure 6 and column 7, lines 1-20) Keyworth shows in (figure three) a system where individual messages are converted into text for display that can be scrolled in the text area. Keyworth also shows the visually distinguishing icon that represents the user or owner of the mailbox and colored status indicators that employ a color-coding scheme let the user know at a glance what the status of a message is.

With respect to **dependent claim 4**, Keyworth teaches the system where *said text differs in color or font based on an intended recipient of said messages or message* (Keyworth Figure 6 and column 7, lines 1-20) Keyworth shows the visually distinguishing icon that represents the user or owner of the mailbox and colored status indicators that employ a color-coding scheme let the user know at a glance what the status of a message is. Additionally, Keyworth teaches the ability to scan into the system an actual picture of the user, which would be in color and identify the user.

In regard to **Independent claim 11**, Keyworth teaches a *modular convergence device that efficiently notifies multiple users of pending messages comprising: first means for receiving messages associated with one or more addressees and second means for displaying message notifications corresponding to said messages, said message notifications visually distinguishable according to addressee* (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

With respect to **dependent claim 12**, Keyworth teaches the device *where the third means for displaying content of said messages in said message notifications* (Keyworth Figure 6 and column 6, lines 53-67 and column 7, lines 1-20) Keyworth teaches the user selects the status indicator or message notification and the messages are displayed.

With respect to **dependent claim 13**, Keyworth teaches *the device further including fourth means for customizing said message notifications according to color or graphic pattern, personalized for each of said multiple users* (Keyworth figure 3 and column 4, lines 42-67) Keyworth teaches a color coding scheme to alert the user of the current status of messages.

In regard to **Independent claim 14**, Keyworth teaches *a system for facilitating message notification for an electronic communications device comprising: first means for organizing individual messages received via said electronic communications device according to individual users of said device and providing a signal in response thereto and second means for automatically enabling said individual users to visually distinguish said individual messages based on said signal via customized message notification bands having different colors or graphics for different individual users* (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing Icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

In regard to **Independent claim 15**, Keyworth teaches *a method for facilitating message notification for an electronic communications device comprising the steps of: organizing individual*

messages received via said electronic communications device according to individual users of said device and providing a signal in response thereto and automatically enabling said individual users to visually distinguish said individual messages based on said signal (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing Icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections - 35 USC § 103

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9, 1994 and in view of, Johnston, Jr. et al (hereinafter Johnston) U.S. Patent No. 6,104,391 issued Aug. 15, 2000, and filed June 22, 1999.**

With respect to **dependent claim 5**, as indicated in the above discussion, Keyworth discloses every element of the claim 2.

Keyworth fails to expressly disclose *a system where the said visually distinguishable formats include visually distinguishable bands across said display, said bands visually-differing based on intended recipients of said individual messages.*

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern to a desktop object that is customized by the user as taught by Johnston.

With respect to **dependent claim 6**, as indicated in the above discussion, Keyworth is view of Johnston discloses every element of the claim 5.

Keyworth fails to expressly disclose *the system where the visually distinguishable bands differ by color, each band associated with a predetermined color assigned to a specific user.*

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20). Johnston also teaches that the color of individual desktop objects can be configurable by the user (Johnston column 22, lines 45-67 and column 23, lines 1-20).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify

the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern with a color to a desktop object that is customized by the user as taught by Johnston.

With respect to **dependent claim 7**, as indicated in the above discussion, Keyworth is view of Johnston discloses every element of the claim 5.

Keyworth fails to expressly disclose *the system where the said visually distinguishable bands differ by graphical pattern*.

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20). Johnston also teaches a pattern lookup table that allows the user to choose from an array of system and customized patterns (Johnston column 14, lines 54-67).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern with a color to a desktop object that is customized by the user as taught by Johnston.

8. **Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9,**

1994 and in view of Kelsey et al (hereinafter Kelsey) U.S. Patent No. 6,330,676 B1 issued Dec. 11, 2001 and filed Sept. 8, 1998.

With respect to **dependent claim 8**, as indicated in the above discussion, Keyworth discloses every element of the claim 2.

Keyworth fails to expressly disclose a system including *a third means for sensing when one of said individual users enters a room in which said system is installed and providing an enable signal in response thereto.*

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and for identifying particular users and for initiating particular activities such as power on of a computer system (Kelsey column 1, lines 55-67 and column 2, lines 1-19) for the purpose of eliminating the manual tasks of powering up the computer and allowing the user to focus on other more important tasks (Kelsey column 1, lines 20-36).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

With respect to **dependent claim 9**, as indicated in the above discussion, Keyworth in view of Kelsey discloses every element of the claim 8.

Keyworth fails to expressly disclose *a system further including fifth means for automatically activating said second means based on said enable signal.*

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and for identifying particular users and for initiating particular activities such as power on

of a computer system (Kelsey column 1, lines 55-67 and column 2, lines 1-19) for the purpose of eliminating the manual tasks of powering up the computer and allowing the user to focus on other more important tasks (Kelsey column 1, lines 20-36).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

With respect to **dependent claim 10**, as indicated in the above discussion, Keyworth in view of Kelsey discloses every element of the claim 9,

Keyworth fails to expressly disclose the system *where said sensor includes a motion sensor or a light sensor*.

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and the proximity sensor is a ultrasonic or infrared sensor and can be a infrared-photo transistor that can search for objects with a temperature of 98.6 (Kelsey column 5, lines 15-20) for the purpose of activating the computer system when a particular user is detected by the sensor.

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,832,083 B1 to Oba et al. issued Dec. 14, 2004, and filed Mar. 10, 1998, and discloses a multi-user communications device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BA HUYNH
PRIMARY EXAMINER